

JOHN R. LEY, LLC*Attorneys at Law*

5299 DTC Boulevard, Suite 610
Greenwood Village, Colorado 80111-3327
(303) 740-9000 • Fax (303) 740-9042
Firm@LeyIPLaw.com

RECEIVED
CENTRAL FAX CENTER

APR 25 2005

Copyright
Matters

Patents
Trademarks

TO : Examiner Blane J. Jackson, Examiner Nguyen T. Vo, Supervisor Edward Urban
OF : United States Patent and Trademark Office
FAX NO. : 703-872-9308 **PHONE NO.:** 571-272-7890
YOUR REF. : 10/038,939

DATE : April 25, 2005
FROM : Connie Bursey, Legal Assistant

MESSAGE

Please see the attached letter addressing an error in attorney of record.

This facsimile transmission will contain 4 pages, including this cover sheet. Please call Connie Bursey at (303) 740-9000 if you experience difficulties receiving any portion of this transmission.

CONFIDENTIALITY NOTICE

This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for return of the documents.

**RECEIVED
CENTRAL FAX CENTER****APR 25 2005****JOHN R. LEY, LLC***Attorneys at Law*

5299 DTC Boulevard, Suite 610
Greenwood Village, Colorado 80111-3327
(303) 740-9000 · Fax (303) 740-9042
Firm@LeyIPLaw.com

Patents
Trademarks

Copyright
Matters

April 25, 2005

Attn: Examiner Blane J. Jackson
Examiner Nguyen T. Vo
Edward Urban, Supervisor

Via Facsimile and First Class Mail
703-872-9306

United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Application No. 10/038,939
Applicant: Robert M. Fitzgerald

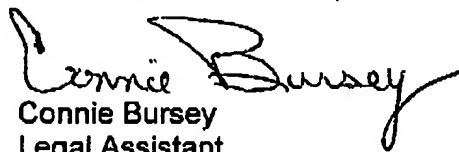
Gentlemen:

Returned to you herewith is a Final Office Action, dated April 20, 2005, which we recently received for the above-referenced matter. John R. Ley is not the attorney for this matter. This document has been mailed to Mr. Ley in error.

It would be very much appreciated if the Patent Office would correct the correspondence address for this particular matter by deleting Mr. Ley's name and address.

Thank you for your prompt attention to this error.

Sincerely,


Connie Bursey
Legal Assistant
Connie@LeyIPLaw.com

Enclosure

cc: John R. Ley, Esq.

APR 25 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,939	01/04/2002	Robert M. Fitzgerald	13965-043	8500

28783 7590 04/20/2005
JOHN R LEY, LCC
5299 DTC BLVD, SUITE 610
GREENWOOD VILLAGE, CO 80111

EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

APR 25 2005

JOHN R. LEY, L.L.C.

BEST AVAILABLE COPY

Office Action Summary**Application No.**

10/038,939

Applicant(s)

FITZGERALD, ROBERT M.

Examiner

Blane J Jackson

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date, _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |